

## Sign Ordinance Issues

(Annotated to reflect Council decisions through April 27, 2004)

A check mark (✓) indicates that the matter has been decided by Council for purposes of inclusion in the draft ordinance to be advertised for public hearing.

- ✓ Definitions; completeness and clarity  
*Definitions will be clarified to the greatest extent reasonable. Council asked that the word "remove" or "removal" be defined.*
- ✓ Restrictions (display period/quantity) on political campaign signs  
*Upon the advice of the City Attorney, Council agreed to the need to revise the current ordinance to relax restrictions on the erection of campaign signs*
- ✓ Restrictions (commercial/display period/quantity) on opinion signs  
*The City Attorney also advised Council of the need to bring this section of the current ordinance into compliance with Federal law.*
- ✓ References to the U.S. or VA flag.  
*Revised draft of the ordinance (4/21/04) does not attempt to regulate the display of these flags.*
- ✓ Provisions for off-site directional church signs  
*This would also include community, civic, or other non-profit organizations. Council agreed that off-site directional signs of such organizations in the City right-of-way would be addressed in another section of the Code as done presently. The intent would be to have a process whereby a license or permit would be granted subject to certain standards and conditions.*
- ✓ Signs in City rights-of way  
*Addressed above.*
- ✓ Provisions for an administrative or legislative waiver when challenging site conditions would limit the effectiveness of signs  
*Council agreed to include provisions for a waiver under certain defined circumstances. It was explained and Council understands that appeals to staff interpretation and enforcement of the sign ordinance will go through the normal BZA process that applies to all zoning issues.*
- ✓ Off-premises directional signs  
*Other than as indicated above with respect to non-commercial off-site directional signs and billboards, there will be no provisions in the proposed ordinance to allow off-premises directional signs or off-site advertising.*

- √ Real estate signs  
*Temporary sign provisions in the 4/21/04 draft cover this and were acceptable to Council*
- √ Temporary signs; material, time limits, location  
*Council indicated agreement with the temporary sign section of the 4/21/04 draft. Clarified that temporary off-site directional signs would only be allowed for “non-commercial” activities.*
- √ Portable signs  
*There was consensus on Council to eliminate provisions allowing portable signs*
- √ Window signs  
*Council agreed that window signs that are “readable” (or “legible”) from the property line will count as part of the allowable wall sign area. There will be no restrictions on the amount of window area that can be covered by opaque material. Window signs not readable from the property line will not count against the allowable wall sign area.*
- √ Neon signs  
*Council agreed that the proposed ordinance should include provisions to allow neon signs as in the 04/21/04 draft.*
- √ “Historic” signs  
*Council agreed that historically accurate signs (meaning signs that replicate a sign that once was displayed on an historic structure) that do not meet the provisions of the sign ordinance for new signs would be allowed upon a finding of appropriateness by the Historic Preservation Commission.*
- √ Home occupation signs  
*Regulations regarding these signs along with all proposed provisions for signs in residential zoned districts were accepted by Council. Language prohibiting the exterior lighting of residences was eliminated.*
- √ Murals  
*Council agreed with the definition clarifying that murals are excluded from regulation under the sign ordinance.*
- √ Billboards  
*Council agreed that changes regarding the regulation of billboards were beyond the intent of the present effort unless the City Attorney indicated that certain conflicting or non-compliant provisions needed to be fixed.*

- √ Moving signs; digital, flashing, changing face  
*All to be classified as “changeable copy” signs and to include time and temperature signs, and signs quoting stock market performance. Council agreed to a maximum frequency of copy change of once every twenty (20) seconds.*
- √ Reader boards  
*Addressed above. Furthermore, Council agreed to the provisions in the proposed ordinance allowing extra area for reader boards and requiring that they must abut or connect to the adjacent sign face.*
- √ Signs in shopping centers; individual identification, coordination, logos  
*Council agreed to the provisions in the proposed ordinance, however, it was understood that the definitions of the words “unified” and “coordinated” needed to be clarified.*
- √ Balloons, pennants, streamers, inflatables  
*There was some support for allowing balloons. Suggestion made to treat all as temporary signs. The 4/21/04 draft allows inflatables less than twenty-four inches in dimension. On 4/27/04 Council stipulated that there be no allowance for pennants or streamers, agreed to the provision allowing inflatables with dimensions less than twenty four inches (24”) without restriction, and to treat inflatables with any dimension greater than twenty-four inches (24”) as temporary signs.*
- √ Height, size, number of faces and setback of commercial signs; naked vs. skirted poles  
*While there was consensus that Council supports the recommendation in the Comprehensive Plan to “Limit the size and height of new on-site commercial signs,” there was no agreement on the actual height or size to be included in the new ordinance with the following exceptions: in the B-1 and B-2 zones a maximum area of twenty-four (24) square feet was agreed to instead of the proposed eighteen (18) square feet; all other proposed provisions in B-1 and B-2 were accepted; all provisions regarding height and area in residential zones were accepted as proposed; Council agreed that poles in all business zoning districts must be skirted with a skirt width of a minimum of eighteen (18) inches. On 4/27/04, Council accepted the proposed provisions in the B-3 and B-5 zones, in the B-4 and B-6 zones and in all Industrial (I) zones.*
- √ Subdivision signs; height, size, number  
*Council agreed to a more relaxed standard of 40 square feet total area and eight (8) feet in height—no consensus on the number of signs*

- √ Amortization of signs; 30% reduction, acts of God  
*Agreed to the proposed 30% reduction of non-conforming signs for owner initiated replacement; replacement of signs after destruction due to acts of God or other reasons not at the choice of the owner would require full compliance with the ordinance current at the time of replacement.*
- √ Permit process; time allowance and fees  
*Council accepted the provisions in the proposed ordinance.*
- √ Maintenance requirement  
*The City Attorney has advised that Council has the authority to require the maintenance of sign structures through the building code. Council was supportive of this measure.*
- √ Light pole banners (John Lynch Bridge, Wyndhurst, Downtown, parking lots)  
*Council agreed that banners on light poles located within the City rights of way will not be treated as signs*
- √ Decorative elements (banners, lights, neon) that might not be defined as "signs"  
*Council agreed that banners (with colors and/or logos, but not with advertising copy) mounted to light poles on private property (in a parking lot, etc.) will not be treated as signs; exterior lighting of buildings will not be regulated in the sign ordinance.*
- √ The issue of neon accents on buildings.  
*On 4/27/04 Council agreed that neon accents (stripes) would be considered architectural elements and would not be treated as signs.*
- √ Different sign regulations in different zoning districts (not sure what this means)  
*There was agreement that earlier actions made this issue a moot point. Different regulations in different zoning districts is considered to be reasonable and appropriate.*
- √ Applicability of the ordinance to City signs on City property  
*Council agreed that the regulations of any new sign ordinance would be applicable to City owned signs when used in a manner similar to private signs; the 4/21/04 draft exempts certain City owned signs such as those used to regulate traffic or warn and inform.*

- √ Possible Constitutional questions  
*The City Attorney has sought assistance from a legal research firm and will have information to share with Council in the near future. On 4/27/04 the City Attorney reported that he had received information from the legal research firm, that he would provide a memo briefing Council and that he would see that provisions of the draft ordinance were reasonable with respect to the issues.*
- √ Sign ordinance enforcement  
*Staff approach to enforcement was explained and generally accepted by Council*
- √ Removing signs from defunct businesses (added 3/31/04)  
*Council agreed to provisions in the 4/21/04 draft requiring the removal of sign structures from defunct businesses after two years. Sign faces would have to be removed after the business closes.*

Other issues:

- √ Signs on top of fuel pumps  
*Council agreed that such signs, and other similar instructional or advertising signs that were on site and not readable from the property line would not be considered as signs for purposes of regulation under the ordinance.*
- √ Promotional displays at convenience stores (corex spring signs, covers over soft drinks, tires, motor oil, etc.)  
*The standard stated above would apply.*
- √ Summer promotions that last more than 30 days (e.g. 3 months)  
*Council stipulated that temporary commercial banners shall only be allowed to remain up for 30 days as proposed.*